IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.666 OF 2005.

IN

FIRST APPEAL NO.300 OF 2005.

Sau.Sugrabi Gulab Shaikh : Applicant.

versus

Smt.Shalan Kaka Salunkhe

& ors. : Respondents.

Mr.D.Deshmukh for the applicant.

Mr.A.M.Kulkarni for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 21st June 2005.

ORAL ORDER

1. The appeal is already admitted. This is an application for stay. Interim stay is already granted. Counsel for the respondents contends that the suit for possession of 13 R of land is decreed. He has asked before the trial Court for

enquiry regarding future mense profits and, even though that relief is not granted he can still file an application for determining the mense profits and therefore while considering the prayer for stay, the appellant should be put to terms.

2. The suit was filed in 1999. Therefore not considering the earlier period of encroachment, the appellant to deposit Rs.1000/- per annum from 1999 to 2005 within six weeks in this court. Stay to continue and, appellant not to create third party interest until further orders. It the amount is not so deposited within the aforesaid period, the stay will stand vacated.

[D.G.DESHPANDE]

21/06/2005 JUDGE.